

**Legislative Appropriations Request  
for Fiscal Years 2016 and 2017**

Submitted to the  
Governor's Office of Budget and Planning  
and  
Legislative Budget Board

by

***FIFTH DISTRICT COURT OF APPEALS***  
at  
Dallas, Texas

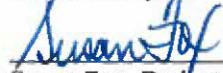
Carolyn Wright, Chief Justice

Justice Jim Moseley  
Justice Michael O'Neill  
Justice Molly Francis  
Justice Elizabeth Lang-Miers  
Justice Lana Myers  
Justice David Lewis

Justice David Bridges  
Justice Kerry FitzGerald  
Justice Douglas Lang  
Justice Robert Fillmore  
Justice David Evans  
Justice Ada Brown

August 4, 2014

Submitted by



Susan Fox, Budget Analyst

Approved



Carolyn Wright, Chief Justice

## Administrator's Statement

8/4/2014 4:42:17PM

84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

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### 225 Fifth Court of Appeals District, Dallas

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#### Administrative Statement

The Fifth District Court of Appeals located in Dallas, the ninth largest city in the United States and considered one of the top ten legal markets in the U.S., is the largest intermediate appellate court in the state with thirteen justices serving six counties. The intermediate appellate courts in the state serve the litigants and the judicial process by being the first, and often the only, appellate court to review proceedings brought from both civil and criminal trial courts. In carrying out its essential function, the Fifth District Court of Appeals issues opinions, judgments, and orders in which it sets forth the basis for its decisions. This requires a highly-skilled and trained professional workforce, including experienced appellate attorneys who assist the justices of the court in researching and writing opinions, judgments, and orders, as well as specially-trained support staff who intake, process, and dispose of cases via the electronic case management system. In each of the past six years, the fourteen intermediate courts of appeals have disposed of approximately 11,475 cases. Of this number, the Fifth District Court has disposed of an average of 19% of these cases on an annual basis. The long-term trend of more than 11,000 annual case filings along with an ever-increasing number of cases being eligible for expedited review clearly demonstrates that the workload within the courts of appeals is significant. Consequently, 95% of the Fifth Court's appropriated budget is dedicated to staff salaries in order to effectively manage the demands of annual case filings. In addition, the Fifth Court utilizes visiting justices to target potential backlogs. (See GAA, Art. IV, Special Provisions, Sec. 8.)

#### HISTORICAL DATA:

Between August 31, 1990 and April 30, 1996, the number of cases pending in the Fifth Court increased by over 124% from 1,055 cases to 2,368 cases. During this same period, funding was not authorized for additional attorney or deputy clerk positions, thus creating a backlog in cases and decreasing disposition rates. To address this issue, the Legislature created the Metropolitan Task Force and began providing block grants which were used to hire additional personnel to address the backlog. The Metropolitan Task Force demonstrated that increased legal personnel and support staff provides the key mechanism for increased case disposition rates. The Fifth Court's case clearance rate increased by 21% between FY99 and FY2000 and the court became one of the three most productive courts insofar as case dispositions per justice. (See OCA Annual Reports.)

During the 79th and 80th legislative sessions, the courts of appeals collectively developed guideline budgets and sought block grant resources to similarly fund same-size appellate courts in order to: 1) obtain a two-to-one attorney-to-justice ratio for maximum case disposition; 2) create a career ladder for staff attorneys that would allow for the recruitment and retention of qualified, experienced appellate attorneys; 3) reclassify the majority of law clerks as permanent staff attorneys; and 4) make salary adjustments for experienced, non-legal staff members commensurate with responsibility and more competitive in the marketplace to aid in staff retention. By the end of the 80th Legislature, significant progress was made towards bringing same-size courts closer to similar funding levels.

Going into the 81st Legislature, the appellate courts updated the block grant funding requests to continue the same-size court initiative. This initiative created a career ladder for attorneys by more closely matching attorney salaries to other state agencies and county governments, added one or more permanent staff attorneys to each court, and continued to make appropriate salary adjustments for non-legal staff to reflect their increasing levels of responsibility. The Legislature provided a portion of the requested funding, including attorney salaries and an additional staff attorney position for most courts; however, the funding was provided in FY2011 only. In the interim, state leadership directed budget cuts in the face of the national economic downturn. As a result, the approved funding was reduced and the courts of appeals were only able to provide a portion of the intended salary adjustments and not all courts were able to hire additional attorneys to meet the growing caseload.

During the 82nd Legislative Session, the Fifth Court demonstrated its commitment to the similar funding for same-size courts initiative. The courts of appeals collectively agreed to respond to declining state revenues by not asking for an increase in their FY12-13 budgets. However, a request was made in support of restoration of the information technology projects funded in the Office of Court Administration (OCA) budget. Despite these efforts, by the end of the 82nd Legislative Session, the

**Administrator's Statement**

8/4/2014 4:42:17PM

84th Regular Session, Agency Submission, Version 1  
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**225 Fifth Court of Appeals District, Dallas**

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Fifth Court's FY12-13 budget was reduced by 6% from FY11 and a total of two FTE positions were eliminated. The state leadership's directive to cut budgets coupled with an overall increase in the number of cases filed and a legislative mandate to expedite the processing of parental termination cases imposed significant pressures on the court's ability to meet performance objectives and dispose of cases in a timely manner.

In the face of an improving national economy and a thriving state economy, the courts of appeals once again sought the funding necessary to fully implement the similar funding for same-size courts initiative. For FY14-15, the Fifth Court sought funding to restore FTEs lost due to the economic downturn, as well as funds for staff salary increases. The 83rd Legislature provided one-half of the Fifth Court's requested funding.

Full implementation of the similar funding for same-size courts initiative will aid in the public's access to justice as the Fifth Court will be better able to meet the increasing demands of its caseload, which includes an increase in the number of legislatively-mandated, time-sensitive, accelerated appeals and termination cases in which disposition must occur within 180 days of filing. Funding the remaining half of the amount requested in the 83rd Legislative session will increase the court's ability to meet performance objectives while maintaining minimal case backlogs by affording the Fifth Court the ability to sustain its current levels of qualified, professional legal and support staff.

**Exceptional Item #1: Similar Funding For Same-Size Courts**

**STATISTICAL SUPPORT:**

To meet performance objectives and dispose of more cases in less time, the courts of appeals believe it is critical to receive the remaining funds necessary to complete the similar funding for same-size courts initiative of the 83rd Legislative Session. While the number of justices for each state court of appeals has not been increased in 25 years, new filings have increased by 41% over the same period. Thus, the funding needed for the Fifth Court to fully implement its portion of this initiative is \$1,013,361 for the FY16-17 biennium. Funding of this item will allow the Fifth Court to continue to recruit and retain well-qualified, professional staff. This has proven to be a major factor in the court's ability to fulfill its core function of timely processing and disposing of appeals while maintaining the quality of justice to which the citizens of Texas are entitled.

Appellate work requires specialized knowledge, skills, and ability to analyze cases on appeal; to assist with opinions, mandamuses, writs of habeas corpus, and cases of first impression; and to facilitate the appeals process to its completion. This requires personnel that possess skills that can only be obtained through professional experience. The courts of appeals disposed of approximately 11,475 cases in each of the past six years. In order to maintain a similar level of productivity, the courts of appeals must have an adequate number of experienced legal staff and highly-trained support staff to properly handle this workload. The federal courts employ three attorneys for each active federal court of appeals judge compared to two attorneys for each justice in the state courts of appeals. Therefore, any loss of experienced appellate court staff creates difficulties in timely processing and disposition of appeals.

In order to maintain the two-to-one attorney-to-justice ratio, the courts of appeals must also be able to offer competitive salaries in order to recruit and retain the most qualified staff. According to national statistics published by the Bureau of Labor Statistics, attorneys in state government are paid less than other industry sectors, including local and federal government. In FY13, the annual mean wage for attorneys in state government was \$83,600 compared to \$95,950 for local government and \$130,760 for federal government. Statewide, attorneys at the courts of appeals average \$83,708. Currently, the courts of appeals have a rider that limits the pay of newly-hired or recently-promoted attorneys to \$84,175. Further, the current budget levels do not allow adequate funding to compensate attorneys at salary rates that would more closely mirror salaries in other sectors of government.

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**225 Fifth Court of Appeals District, Dallas**

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**RIDER REQUESTS:**

The Fifth Court also requests the following with regard to the across-the-board riders found in Article IV (p. IV-42):

- 1) Retain Article IV rider, Sec. 4, Appellate Court Exemptions
- 2) Retain Article IV rider, Sec. 5, Appropriation: Unexpended Balances Between Fiscal Years within the Biennium
- 3) Delete Article IV rider, Sec. 7, Appellate Court Salary Limits
- 4) Retain Article IV rider, Sec. 8, Interagency Contracts for Assigned Judges for Appellate Courts
- 4) Retain Article IV rider, Sec. 9, Appellate Court Transfer Authority

Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the authority to carry over unexpended budget balances between years of the biennium. The flexibility afforded by these measures enhances the courts' management ability, and we seek continuation of these budget features. The Court seeks to delete the rider that establishes salary limits for the chief staff attorney or other permanent legal staff. These positions are subject to the State of Texas Classification Plan and are currently the only positions under the plan that have a mandated ceiling on salary earnings that is lower than the maximum salary allowed under the Position Classification Plan.

**INFORMATION TECHNOLOGY:**

The Fifth Court participates in the consolidated budget approach represented in the biennial appropriations request of the Office of Court Administration (OCA). If OCA's request is not fully funded for the 2016-17 biennium, this court would need additional funds to maintain its own, separate information technology network.

**CAPPS IMPLEMENTATION:**

The Fifth Court has been designated as an agency eligible for conversion to the CAPPS system during the 2016-17 biennium. The Office of Court Administration is seeking additional funds in its biennial budget request to be used in the implementation of CAPPS at the fourteen courts of appeals. The Fifth Court supports the consolidated budget approach represented in the biennial appropriations request of the OCA. If the OCA's request for CAPPS deployment funding is not fully funded in the 2016-17 biennium, this court would need additional funds to implement CAPPS during the biennium, including but not limited to funds for project management services, backfill of critical positions, training and management services, IT programming support, computer operating and system updates, operation documentation updates, and travel costs.

**NOTE:** Appropriated Receipts—At the direction of the LBB & Governor's Office, the Fifth Court has included appropriated receipts in the amount of \$32,000 which reflects reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the court and do not constitute additional funds available for general expenditures of the Fifth Court. The amount can vary significantly from year to year.

**CONCLUSION:**

The Fifth District Court of Appeals respectfully requests the continued support of the Legislature in funding this court's portion of the similar funding for same-size courts initiative in order to facilitate the Fifth Court's endeavor to fulfill its statutory duties and the constitutional mandate of the Texas courts of appeals to effectively

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8/4/2014 4:42:17PM

84th Regular Session, Agency Submission, Version 1  
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**225 Fifth Court of Appeals District, Dallas**

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and efficiently dispense justice on behalf of the citizens of the state of Texas.

2.A. Summary of Base Request by Strategy

8/4/2014 4:42:17PM

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

225 Fifth Court of Appeals District, Dallas

Goal / Objective / STRATEGY	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<b>1</b> Appellate Court Operations					
<b>1</b> Appellate Court Operations					
<b>1 APPELLATE COURT OPERATIONS</b>	5,102,018	5,825,069	5,832,068	5,832,069	5,832,068
<b>TOTAL, GOAL 1</b>	<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*</b>				<b>\$0</b>	<b>\$0</b>
<b>GRAND TOTAL, AGENCY REQUEST</b>	<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>

2.A. Summary of Base Request by Strategy

8/4/2014 4:42:17PM

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

225 Fifth Court of Appeals District, Dallas

Goal / Objective / STRATEGY	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<u>METHOD OF FINANCING:</u>					
<b>General Revenue Funds:</b>					
1 General Revenue Fund	4,683,710	5,406,119	5,406,118	5,406,119	5,406,118
<b>SUBTOTAL</b>	<b>\$4,683,710</b>	<b>\$5,406,119</b>	<b>\$5,406,118</b>	<b>\$5,406,119</b>	<b>\$5,406,118</b>
<b>Other Funds:</b>					
573 Judicial Fund	393,950	393,950	393,950	393,950	393,950
666 Appropriated Receipts	24,358	25,000	32,000	32,000	32,000
<b>SUBTOTAL</b>	<b>\$418,308</b>	<b>\$418,950</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>

\*Rider appropriations for the historical years are included in the strategy amounts.

**2.B. Summary of Base Request by Method of Finance**

8/4/2014 4:42:18PM

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: <b>225</b>		Agency name: <b>Fifth Court of Appeals District, Dallas</b>				
METHOD OF FINANCING		Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<b><u>GENERAL REVENUE</u></b>						
<b><u>1</u></b> General Revenue Fund						
REGULAR APPROPRIATIONS						
Regular Appropriations from MOF Table (2012-13 GAA)						
		\$4,684,938	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2014-15 GAA)						
		\$0	\$5,191,619	\$5,191,618	\$5,406,119	\$5,406,118
TRANSFERS						
Art. IV, Sec. 11, Appropriations for Judicial Compensation (2014-15 GAA)						
		\$0	\$214,500	\$214,500	\$0	\$0
LAPSED APPROPRIATIONS						
Regular Appropriations from MOF Table (2012-13 GAA)						
		\$(1,228)	\$0	\$0	\$0	\$0
<b>TOTAL,</b>	<b>General Revenue Fund</b>	<b>\$4,683,710</b>	<b>\$5,406,119</b>	<b>\$5,406,118</b>	<b>\$5,406,119</b>	<b>\$5,406,118</b>
<b>TOTAL, ALL</b>	<b>GENERAL REVENUE</b>	<b>\$4,683,710</b>	<b>\$5,406,119</b>	<b>\$5,406,118</b>	<b>\$5,406,119</b>	<b>\$5,406,118</b>

**2.B. Summary of Base Request by Method of Finance**

8/4/2014 4:42:18PM

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: <b>225</b>		Agency name: <b>Fifth Court of Appeals District, Dallas</b>				
METHOD OF FINANCING		Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
<b><u>OTHER FUNDS</u></b>						
<b><u>573</u></b>	Judicial Fund No. 573					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2012-13 GAA)	\$393,950	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2014-15 GAA)	\$0	\$393,950	\$393,950	\$393,950	\$393,950
<b>TOTAL,</b>	<b>Judicial Fund No. 573</b>	<b>\$393,950</b>	<b>\$393,950</b>	<b>\$393,950</b>	<b>\$393,950</b>	<b>\$393,950</b>
<b><u>666</u></b>	Appropriated Receipts					
	<i>REGULAR APPROPRIATIONS</i>					
	Regular Appropriations from MOF Table (2012-13 GAA)	\$32,000	\$0	\$0	\$0	\$0
	Regular Appropriations from MOF Table (2014-15 GAA)	\$0	\$32,000	\$32,000	\$32,000	\$32,000
	<i>RIDER APPROPRIATION</i>					
	Art IX, Sec 8.03, Reimbursements and Payments (2012-13 GAA)					

**2.B. Summary of Base Request by Method of Finance**

8/4/2014 4:42:18PM

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: <b>225</b>		Agency name: <b>Fifth Court of Appeals District, Dallas</b>				
<b>METHOD OF FINANCING</b>		<b>Exp 2013</b>	<b>Est 2014</b>	<b>Bud 2015</b>	<b>Req 2016</b>	<b>Req 2017</b>
<b><u>OTHER FUNDS</u></b>						
		\$(7,642)	\$0	\$0	\$0	\$0
Art IX, Sec 8.03, Reimbursements and Payments (2014-15 GAA)						
		\$0	\$(7,000)	\$0	\$0	\$0
<b>TOTAL, Appropriated Receipts</b>		<b>\$24,358</b>	<b>\$25,000</b>	<b>\$32,000</b>	<b>\$32,000</b>	<b>\$32,000</b>
<b>TOTAL, ALL OTHER FUNDS</b>		<b>\$418,308</b>	<b>\$418,950</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>
<b>GRAND TOTAL</b>		<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>
<b>FULL-TIME-EQUIVALENT POSITIONS</b>						
REGULAR APPROPRIATIONS						
Regular Appropriations from MOF Table (2012-13 GAA)		55.6	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2014-15 GAA)		0.0	55.2	55.2	55.2	55.2
UNAUTHORIZED NUMBER OVER (BELOW) CAP						
Unauthorized number over (below) cap:		1.9	3.8	3.8	4.8	4.8
<b>TOTAL, ADJUSTED FTES</b>		<b>57.5</b>	<b>59.0</b>	<b>59.0</b>	<b>60.0</b>	<b>60.0</b>

**2.B. Summary of Base Request by Method of Finance**

8/4/2014 4:42:18PM

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: <b>225</b>	Agency name: <b>Fifth Court of Appeals District, Dallas</b>				
<b>METHOD OF FINANCING</b>	<b>Exp 2013</b>	<b>Est 2014</b>	<b>Bud 2015</b>	<b>Req 2016</b>	<b>Req 2017</b>
<b>NUMBER OF 100% FEDERALLY FUNDED FTEs</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## 2.C.1. Operating Costs Detail ~ Base Request

Date: 8/4/2014  
Time: 4:42:20PM84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 225 Agency: Fifth Court of Appeals District, Dallas

BASE REQUEST STRATEGY: 1-1-1 Appellate Court Operations

Code	Type of Expense	Expended 2013	Estimated 2014	Budgeted 2015	Requested 2016	Requested 2017
1	Consumable Supplies	\$23,651	\$25,000	\$28,000	\$28,000	\$28,000
2	Postage	6,715	2,500	2,500	2,500	2,500
4	Travel	28,753	28,000	28,500	28,500	28,500
5	Westlaw/Lexis	34,791	25,946	30,000	30,000	30,000
6	Registrations/Training	9,039	3,041	5,000	5,000	5,000
7	Subscriptions/Periodicals	12,551	3,788	6,000	6,000	6,000
13	Furniture & Equipment (Expensed)	0	0	5,000	7,500	7,500
16	Miscellaneous Expenses	27,946	32,323	40,000	35,000	35,000
25	Advertising	16,207	1,478	7,500	2,500	2,500
26	Books (expensed)	36,629	18,569	19,000	15,000	15,000
37	Computer Software / Upgrades	0	0	5,000	5,000	5,000
64	SORM Assessment	5,589	5,093	6,000	6,000	6,000
78	Leasehold Improvements - Expensed	4,290	2,070	4,000	4,000	4,000
<b>Total, Operating Costs</b>		<b>\$206,161</b>	<b>\$147,808</b>	<b>\$186,500</b>	<b>\$175,000</b>	<b>\$175,000</b>

**2.C. Summary of Base Request by Object of Expense**

8/4/2014 4:42:21PM

84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)**225 Fifth Court of Appeals District, Dallas**

<b>OBJECT OF EXPENSE</b>	<b>Exp 2013</b>	<b>Est 2014</b>	<b>Bud 2015</b>	<b>BL 2016</b>	<b>BL 2017</b>
1001 SALARIES AND WAGES	\$4,761,293	\$5,493,235	\$5,493,268	\$5,493,269	\$5,493,268
1002 OTHER PERSONNEL COSTS	\$81,412	\$85,000	\$85,000	\$85,000	\$85,000
2003 CONSUMABLE SUPPLIES	\$23,650	\$26,334	\$28,000	\$28,000	\$28,000
2004 UTILITIES	\$1,028	\$500	\$500	\$500	\$500
2005 TRAVEL	\$28,753	\$28,000	\$28,500	\$28,500	\$28,500
2006 RENT - BUILDING	\$41,947	\$42,000	\$42,000	\$42,000	\$42,000
2007 RENT - MACHINE AND OTHER	\$16,859	\$22,000	\$23,000	\$23,000	\$23,000
2009 OTHER OPERATING EXPENSE	\$147,076	\$128,000	\$131,800	\$131,800	\$131,800
<b>OOE Total (Excluding Riders)</b>	<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>
<b>OOE Total (Riders)</b>					
<b>Grand Total</b>	<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>

**2.D. Summary of Base Request Objective Outcomes**  
84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation system of Texas (ABEST)

8/4/2014 4:42:21PM

<b>225 Fifth Court of Appeals District, Dallas</b>					
<i>Goal/ Objective / Outcome</i>	<b>Exp 2013</b>	<b>Est 2014</b>	<b>Bud 2015</b>	<b>BL 2016</b>	<b>BL 2017</b>
1 Appellate Court Operations					
1 Appellate Court Operations					
<b>KEY</b> <b>1 Clearance Rate</b>					
	108.41%	100.00%	96.50%	96.00%	95.50%
<b>KEY</b> <b>2 Percentage of Cases Under Submission for Less Than One Year</b>					
	98.47%	99.00%	98.50%	98.00%	97.50%
<b>KEY</b> <b>3 Percentage of Cases Pending for Less Than Two Years</b>					
	99.13%	99.00%	98.50%	98.00%	97.50%

**2.E. Summary of Exceptional Items Request**  
84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/4/2014  
TIME : 4:42:22PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Priority	Item	2016			2017			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Retain Professional, Quality Staff	\$506,681	\$506,681	0.0	\$506,680	\$506,680	0.0	\$1,013,361	\$1,013,361
<b>Total, Exceptional Items Request</b>		<b>\$506,681</b>	<b>\$506,681</b>	<b>0.0</b>	<b>\$506,680</b>	<b>\$506,680</b>	<b>0.0</b>	<b>\$1,013,361</b>	<b>\$1,013,361</b>
<b>Method of Financing</b>									
	General Revenue	\$506,681	\$506,681		\$506,680	\$506,680		\$1,013,361	\$1,013,361
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		<b>\$506,681</b>	<b>\$506,681</b>		<b>\$506,680</b>	<b>\$506,680</b>		<b>\$1,013,361</b>	<b>\$1,013,361</b>
<b>Full Time Equivalent Positions</b>				<b>0.0</b>				<b>0.0</b>	
<b>Number of 100% Federally Funded FTEs</b>				<b>0.0</b>				<b>0.0</b>	

**2.F. Summary of Total Request by Strategy**  
84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/4/2014

TIME : 4:42:23PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Goal/Objective/STRATEGY	Base 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
<b>1</b> Appellate Court Operations						
1 Appellate Court Operations						
1 APPELLATE COURT OPERATIONS	\$5,832,069	\$5,832,068	\$506,681	\$506,680	\$6,338,750	\$6,338,748
TOTAL, GOAL 1	<b>\$5,832,069</b>	<b>\$5,832,068</b>	<b>\$506,681</b>	<b>\$506,680</b>	<b>\$6,338,750</b>	<b>\$6,338,748</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>	<b>\$506,681</b>	<b>\$506,680</b>	<b>\$6,338,750</b>	<b>\$6,338,748</b>
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST</b>						
<b>GRAND TOTAL, AGENCY REQUEST</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>	<b>\$506,681</b>	<b>\$506,680</b>	<b>\$6,338,750</b>	<b>\$6,338,748</b>

**2.F. Summary of Total Request by Strategy**  
84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/4/2014  
TIME : 4:42:23PM

Agency code: 225	Agency name: Fifth Court of Appeals District, Dallas					
Goal/Objective/STRATEGY	Base 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
<b>General Revenue Funds:</b>						
1 General Revenue Fund	\$5,406,119	\$5,406,118	\$506,681	\$506,680	\$5,912,800	\$5,912,798
	<b>\$5,406,119</b>	<b>\$5,406,118</b>	<b>\$506,681</b>	<b>\$506,680</b>	<b>\$5,912,800</b>	<b>\$5,912,798</b>
<b>Other Funds:</b>						
573 Judicial Fund	393,950	393,950	0	0	393,950	393,950
666 Appropriated Receipts	32,000	32,000	0	0	32,000	32,000
	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$0</b>	<b>\$0</b>	<b>\$425,950</b>	<b>\$425,950</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>	<b>\$506,681</b>	<b>\$506,680</b>	<b>\$6,338,750</b>	<b>\$6,338,748</b>
<b>FULL TIME EQUIVALENT POSITIONS</b>	<b>60.0</b>	<b>60.0</b>	<b>0.0</b>	<b>0.0</b>	<b>60.0</b>	<b>60.0</b>

**2.G. Summary of Total Request Objective Outcomes**  
84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/4/2014

Time: 4:42:24PM

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Goal/ Objective / Outcome

		BL 2016	BL 2017	Excp 2016	Excp 2017	Total Request 2016	Total Request 2017
1	Appellate Court Operations						
1	Appellate Court Operations						
<b>KEY</b>	<b>1 Clearance Rate</b>						
		96.00%	95.50%	99.00%	100.00%	99.00%	100.00%
<b>KEY</b>	<b>2 Percentage of Cases Under Submission for Less Than One Year</b>						
		98.00%	97.50%	99.00%	100.00%	99.00%	100.00%
<b>KEY</b>	<b>3 Percentage of Cases Pending for Less Than Two Years</b>						
		98.00%	97.50%	99.00%	100.00%	99.00%	100.00%

**225 Fifth Court of Appeals District, Dallas**

GOAL:	1	Appellate Court Operations	Statewide Goal/Benchmark:	0	0
OBJECTIVE:	1	Appellate Court Operations	Service Categories:		
STRATEGY:	1	Appellate Court Operations	Service: 01	Income: A.2	Age: B.3

CODE	DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
<b>Output Measures:</b>						
1	Number of Civil Cases Disposed	948.00	950.00	945.00	942.00	935.00
2	Number of Criminal Cases Disposed	1,283.00	1,150.00	1,130.00	1,140.00	1,145.00
<b>Explanatory/Input Measures:</b>						
1	Number of Civil Cases Filed	938.00	980.00	990.00	1,005.00	1,015.00
2	Number of Criminal Cases Filed	1,190.00	1,200.00	1,210.00	1,220.00	1,225.00
3	Number of Cases Transferred in	0.00	1.00	0.00	0.00	0.00
4	Number of Cases Transferred out	70.00	86.00	50.00	50.00	50.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$4,761,293	\$5,493,235	\$5,493,268	\$5,493,269	\$5,493,268
1002	OTHER PERSONNEL COSTS	\$81,412	\$85,000	\$85,000	\$85,000	\$85,000
2003	CONSUMABLE SUPPLIES	\$23,650	\$26,334	\$28,000	\$28,000	\$28,000
2004	UTILITIES	\$1,028	\$500	\$500	\$500	\$500
2005	TRAVEL	\$28,753	\$28,000	\$28,500	\$28,500	\$28,500
2006	RENT - BUILDING	\$41,947	\$42,000	\$42,000	\$42,000	\$42,000
2007	RENT - MACHINE AND OTHER	\$16,859	\$22,000	\$23,000	\$23,000	\$23,000
2009	OTHER OPERATING EXPENSE	\$147,076	\$128,000	\$131,800	\$131,800	\$131,800

**225 Fifth Court of Appeals District, Dallas**

GOAL:	1	Appellate Court Operations	Statewide Goal/Benchmark:	0	0
OBJECTIVE:	1	Appellate Court Operations	Service Categories:		
STRATEGY:	1	Appellate Court Operations	Service: 01	Income: A.2	Age: B.3

CODE	DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>
<b>Method of Financing:</b>						
1	General Revenue Fund	\$4,683,710	\$5,406,119	\$5,406,118	\$5,406,119	\$5,406,118
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS)</b>		<b>\$4,683,710</b>	<b>\$5,406,119</b>	<b>\$5,406,118</b>	<b>\$5,406,119</b>	<b>\$5,406,118</b>
<b>Method of Financing:</b>						
573	Judicial Fund	\$393,950	\$393,950	\$393,950	\$393,950	\$393,950
666	Appropriated Receipts	\$24,358	\$25,000	\$32,000	\$32,000	\$32,000
<b>SUBTOTAL, MOF (OTHER FUNDS)</b>		<b>\$418,308</b>	<b>\$418,950</b>	<b>\$425,950</b>	<b>\$425,950</b>	<b>\$425,950</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$5,832,069</b>	<b>\$5,832,068</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>57.5</b>	<b>59.0</b>	<b>59.0</b>	<b>60.0</b>	<b>60.0</b>
<b>STRATEGY DESCRIPTION AND JUSTIFICATION:</b>						

**225 Fifth Court of Appeals District, Dallas**

GOAL:	1	Appellate Court Operations	Statewide Goal/Benchmark:	0	0
OBJECTIVE:	1	Appellate Court Operations	Service Categories:		
STRATEGY:	1	Appellate Court Operations	Service: 01	Income: A.2	Age: B.3

CODE	DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
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The Fifth Court of Appeals was created in 1893 pursuant to authority granted by Article V Section 6, Texas Constitution. This Court has intermediate appellate jurisdiction of civil and criminal cases appealed from lower courts: in civil cases where judgments rendered exceed \$100, exclusive of costs, and other civil proceedings as provided by law; in criminal cases of varying types but excluding post-conviction writs of habeas corpus and cases in which the death penalty has been imposed. The Fifth Court of Appeals has jurisdiction in six counties: Collin, Dallas, Hunt, Grayson, Kaufman, and Rockwall.

**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**

Courts of appeals, by nature, are small agencies with highly specialized staff. The main factor driving this strategy is the need to attract and retain experienced legal staff, and highly-trained, knowledgeable support staff in order to process and dispose of an increasing caseload in a timely and efficient manner.

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**SUMMARY TOTALS:**

<b>OBJECTS OF EXPENSE:</b>	<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>
<b>METHODS OF FINANCE (INCLUDING RIDERS):</b>				<b>\$5,832,069</b>	<b>\$5,832,068</b>
<b>METHODS OF FINANCE (EXCLUDING RIDERS):</b>	<b>\$5,102,018</b>	<b>\$5,825,069</b>	<b>\$5,832,068</b>	<b>\$5,832,069</b>	<b>\$5,832,068</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>57.5</b>	<b>59.0</b>	<b>59.0</b>	<b>60.0</b>	<b>60.0</b>

### 3.B. Rider Revisions and Additions Request

<b>Agency Code:</b> 225	<b>Agency Name:</b> Fifth Court of Appeals	<b>Prepared By:</b> Susan Fox, Budget Analyst	<b>Date:</b> August 4, 2014	<b>Request Level:</b> Baseline
<b>Current Rider Number</b>	<b>Page Number in 2014-15 GAA</b>	<b>Proposed Rider Language</b>		
<b>4</b>	<b>IV-42</b>	<p><b>Appellate Court Exemptions.</b> The following provisions of Article IX of this Act do not apply to the appellate courts:</p> <ul style="list-style-type: none"> <li>a. Article IX, § 6.10, Limitation on State Employment Levels</li> <li>b. Article IX, § 6.13, Performance Rewards and Penalties</li> <li>c. Article IX, §14.03, Limit on Expenditures - Capital Budget</li> </ul> <p><i>No change requested, but section numbers may need to be updated.</i></p>		
<b>5</b>	<b>IV-42</b>	<p><b>Appropriation: Unexpended Balances Between Fiscal Years within the Biennium.</b> Any unexpended balances from appropriations made to the appellate courts for fiscal year 2016 are hereby appropriated to the same court for fiscal year 2017 for the same purposes.</p> <p><i>Change years to reflect the new biennium.</i></p>		
<b>7</b>	<b>IV-42</b>	<p><del><b>Appellate Court Salary Limits.</b> It is the intent of the Legislature that no intermediate appellate court may pay more than one chief staff attorney promoted or hired after September 1, 2011, more than \$92,400 annually under this provision. Further, it is the intent of the Legislature that no intermediate appellate court may pay other permanent legal staff hired or promoted after September 1, 2011 more than \$79,750 annually. This provision does not apply to law clerk positions at any appellate court.</del></p> <p><i>Request deletion of this rider. These positions are covered under the State of Texas Position Classification Act, which determines the classification and compensation range of each position in the courts (and all state agencies). Originally, this rider was used to distinguish salary increases given specifically to the courts for attorney salaries from across-the-board increases for all state employees. Subsequent legislatures have addressed this issue through directive riders in Article IX to ensure there is no overlap or duplication of salary actions for specific classes of state employees. Currently, staff attorneys at the courts of appeals are the only position classification employees across the state with a mandated ceiling on the amount they can earn that is lower than the maximum allowed by the Position Classification Plan.</i></p> <p><i>This rider is no longer necessary, thus, the courts request that it be deleted.</i></p>		

### 3.B. Rider Revisions and Additions Request (continued)

<b>8</b>	<b>IV-42</b>	<p><b>Interagency Contracts for Assigned Judges for Appellate Courts.</b> Out of funds appropriated in this Article to Strategies A.1.1, Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years 2012 and 2013, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3, Visiting Judges - Appellate in the Judiciary Section, Comptroller's Department.</p> <p><i>No change requested.</i></p>
<b>9</b>	<b>IV-42</b>	<p><b>Appellate Court Transfer Authority.</b> The Chief Justice of the Supreme Court of Texas, the Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices is authorized to transfer funds between appellate courts, notwithstanding any other provision in this Act and subject to prior approval of any transfer of funds by the Legislative Budget Board and the Governor. Any such transfer shall be made for the purpose of efficient and effective appellate court operations and management of court caseloads. It is the intent of the Legislature that transfers made under this provision are addressed by the Legislative Budget Board and the Governor in reviewing amounts requested in the appellate courts' Legislative Appropriations Request for the 2014-15 biennium.</p> <p><i>No change requested.</i></p>

**4.A. Exceptional Item Request Schedule**  
84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/4/2014**  
TIME: **4:42:25PM**

Agency code: **225**

Agency name:

**Fifth Court of Appeals District, Dallas**

CODE	DESCRIPTION			Excp 2016	Excp 2017
		Item Name:	Employ and Retain Professional, Quality Staff / Similar Funding for Same-Size Courts		
		Item Priority:	1		
	Includes Funding for the Following Strategy or Strategies:	01-01-01	Appellate Court Operations		
OBJECTS OF EXPENSE:					
1001	SALARIES AND WAGES			376,378	376,378
1002	OTHER PERSONNEL COSTS			21,719	21,719
2003	CONSUMABLE SUPPLIES			9,000	9,000
2009	OTHER OPERATING EXPENSE			99,584	99,583
TOTAL, OBJECT OF EXPENSE				\$506,681	\$506,680
METHOD OF FINANCING:					
1	General Revenue Fund			506,681	506,680
TOTAL, METHOD OF FINANCING				\$506,681	\$506,680

**DESCRIPTION / JUSTIFICATION:**

These funds will enable the Fifth Court to pay attorneys and non-legal staff salaries that are commensurate with their responsibilities and salaries that are comparable to like personnel at other courts of appeals in the state.

**EXTERNAL/INTERNAL FACTORS:**

The Fifth Court of Appeals was a founding member and is an active participant in the "similar funding for same-size courts" initiative that has served the Texas appellate courts so well. The Fifth Court is the largest appellate court in the state and resides in the second-largest urban area in Texas.

Because Dallas is the ninth largest city in the United States, the Fifth Court has structured its staff and operations in such a manner so as to continue processing the most cases in the most cost-effective manner and in the appropriate timeframe. 95% of this court's budget is for staff salaries.

**4.B. Exceptional Items Strategy Allocation Schedule**84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/4/2014

TIME: 4:42:26PM

Agency code:	225	Agency name:	Fifth Court of Appeals District, Dallas		
Code	Description			Excp 2016	Excp 2017
<b>Item Name:</b>	Employ and Retain Professional, Quality Staff / Similar Funding for Same-Size Courts				
<b>Allocation to Strategy:</b>	1-1-1	Appellate Court Operations			
<b>STRATEGY IMPACT ON OUTCOME MEASURES:</b>					
<u>1</u>	Clearance Rate			99.00%	100.00%
<u>2</u>	Percentage of Cases Under Submission for Less Than One Year			99.00%	100.00%
<u>3</u>	Percentage of Cases Pending for Less Than Two Years			99.00%	100.00%
<b>OUTPUT MEASURES:</b>					
<u>1</u>	Number of Civil Cases Disposed			960.00	970.00
<u>2</u>	Number of Criminal Cases Disposed			1,184.00	1,215.00
<b>EXPLANATORY/INPUT MEASURES:</b>					
<u>1</u>	Number of Civil Cases Filed			1,005.00	1,015.00
<u>2</u>	Number of Criminal Cases Filed			1,220.00	1,225.00
<u>3</u>	Number of Cases Transferred in			0.00	0.00
<u>4</u>	Number of Cases Transferred out			50.00	50.00
<b>OBJECTS OF EXPENSE:</b>					
1001	SALARIES AND WAGES			376,378	376,378
1002	OTHER PERSONNEL COSTS			21,719	21,719
2003	CONSUMABLE SUPPLIES			9,000	9,000
2009	OTHER OPERATING EXPENSE			99,584	99,583
<b>TOTAL, OBJECT OF EXPENSE</b>				<b>\$506,681</b>	<b>\$506,680</b>
<b>METHOD OF FINANCING:</b>					
	1 General Revenue Fund			506,681	506,680
<b>TOTAL, METHOD OF FINANCING</b>				<b>\$506,681</b>	<b>\$506,680</b>
<b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>				0.0	0.0

**4.C. Exceptional Items Strategy Request**  
84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

**DATE:** 8/4/2014  
**TIME:** 4:42:26PM

Agency Code:	<b>225</b>	Agency name:	<b>Fifth Court of Appeals District, Dallas</b>	
GOAL:	1 Appellate Court Operations	Statewide Goal/Benchmark:	0 - 0	
OBJECTIVE:	1 Appellate Court Operations	Service Categories:		
STRATEGY:	1 Appellate Court Operations	Service: 01	Income: A.2	Age: B.3

<b>CODE DESCRIPTION</b>	<b>Excp 2016</b>	<b>Excp 2017</b>
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**STRATEGY IMPACT ON OUTCOME MEASURES:**

<u>1</u> Clearance Rate	99.00 %	100.00 %
<u>2</u> Percentage of Cases Under Submission for Less Than One Year	99.00 %	100.00 %
<u>3</u> Percentage of Cases Pending for Less Than Two Years	99.00 %	100.00 %

**OUTPUT MEASURES:**

<u>1</u> Number of Civil Cases Disposed	960.00	970.00
<u>2</u> Number of Criminal Cases Disposed	1,184.00	1,215.00

**EXPLANATORY/INPUT MEASURES:**

<u>1</u> Number of Civil Cases Filed	1,005.00	1,015.00
<u>2</u> Number of Criminal Cases Filed	1,220.00	1,225.00
<u>4</u> Number of Cases Transferred out	50.00	50.00

**OBJECTS OF EXPENSE:**

1001 SALARIES AND WAGES	376,378	376,378
1002 OTHER PERSONNEL COSTS	21,719	21,719
2003 CONSUMABLE SUPPLIES	9,000	9,000
2009 OTHER OPERATING EXPENSE	99,584	99,583
<b>Total, Objects of Expense</b>	<b>\$506,681</b>	<b>\$506,680</b>

**METHOD OF FINANCING:**

1 General Revenue Fund	506,681	506,680
<b>Total, Method of Finance</b>	<b>\$506,681</b>	<b>\$506,680</b>

**EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:**

**4.C. Exceptional Items Strategy Request**  
84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

**DATE:** 8/4/2014  
**TIME:** 4:42:26PM

Agency Code:	225	Agency name:	Fifth Court of Appeals District, Dallas						
GOAL:	1	Appellate Court Operations	Statewide Goal/Benchmark:				0 - 0		
OBJECTIVE:	1	Appellate Court Operations	Service Categories:						
STRATEGY:	1	Appellate Court Operations	Service:	01	Income:	A.2	Age:	B.3	
<b>CODE DESCRIPTION</b>			<b>Excp 2016</b>				<b>Excp 2017</b>		
Employ and Retain Professional, Quality Staff / Similar Funding for Same-Size Courts									

**6.A. Historically Underutilized Business Supporting Schedule**  
84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: **8/4/2014**  
Time: **4:42:27PM**

Agency Code: **225**      Agency: **Fifth Court of Appeals District, Dallas**

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

**A. Fiscal Year 2012 - 2013 HUB Expenditure Information**

Statewide HUB Goals	Procurement Category	% Goal	<u>HUB Expenditures FY 2012</u>			<u>Total Expenditures</u>		<u>HUB Expenditures FY 2013</u>			<u>Total Expenditures</u>	
			% Actual	Diff	Actual \$	FY 2012	% Goal	% Actual	Diff	Actual \$	FY 2013	
32.7%	Special Trade Construction	32.7 %	0.0%	-32.7%	\$0	\$314	32.7 %	0.0%	-32.7%	\$0	\$7,707	
24.6%	Other Services	24.6 %	0.0%	-24.6%	\$0	\$33,237	24.6 %	0.2%	-24.4%	\$105	\$59,788	
21.0%	Commodities	21.0 %	44.1%	23.1%	\$27,102	\$61,444	21.0 %	15.0%	-6.0%	\$12,774	\$85,155	
	<b>Total Expenditures</b>		<b>28.5%</b>		<b>\$27,102</b>	<b>\$94,995</b>		<b>8.4%</b>		<b>\$12,879</b>	<b>\$152,650</b>	

**B. Assessment of Fiscal Year 2012 - 2013 Efforts to Meet HUB Procurement Goals**

**Attainment:**

The Fifth Court attained 28.5% of the applicable statewide HUB procurement goals for 2012.

The Fifth Court attained 8.4% of the applicable statewide HUB procurement goals for 2013.

**Applicability:**

In fiscal year 2012-13, the procurement categories not applicable to the court's operations were heavy construction, building construction, special trade, and professional services. The Fifth Court did not have any programs relating to these procurement categories.

**Factors Affecting Attainment:**

The Fifth Court of Appeals spends a majority of its appropriated funds on salaries. Computer and printer purchases are made through the Office of Court Administration. The Court's third-largest expense is the purchase of law books and electronic legal research. Unfortunately, after a thorough examination of current catalogs, lists, and price quotations of dealers / publishers, this specialized research material - with exact specifications - is not available from any other sources. The Fifth Court fully supports the statewide initiative of creating jobs for Texans with disabilities and therefore purchases commodities from TIBH Industries.

**"Good-Faith" Efforts:**

The Fifth Court of Appeals conscientiously makes every effort to recognize and utilize historically underutilized business vendors. Office and computer supplies / maintenance are purchases from local HUB vendors when possible. The Court has utilized HUBs for commodities and other services and made a good faith effort to meet and exceed goals outlined in ITAC 11.13(c).

**6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern**  
**Fifth District Court of Appeals**

<b>ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2016-17 GAA BILL PATTERN</b>	
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**Fund Name**

Estimated Beginning Balance in FY 2014	\$	-
Estimated Revenues FY 2014	\$	310,069
Estimated Revenues FY 2015	\$	310,069
<b>FY 2014-15 Total</b>	<b>\$</b>	<b>620,138</b>
Estimated Beginning Balance in FY 2015	\$	-
Estimated Revenues FY 2015	\$	310,069
Estimated Revenues FY 2016	\$	310,069
<b>FY 2016-17 Total</b>	<b>\$</b>	<b>620,138</b>

**Constitutional or Statutory Creation and Use of Funds:**

Tex. Gov't Code, Sec. 22.2061, Appellate Judicial System

Purpose: to defray costs and expenses incurred by the county to assist the Fifth Court of Appeals.

**Method of Calculation and Revenue Assumptions:**

Historical Analysis

Agency code: 225

Agency name: Fifth Court of Appeals District, Dallas

Strategy	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
<b>1-1-1 Appellate Court Operations</b>					
<b>OBJECTS OF EXPENSE:</b>					
1001 SALARIES AND WAGES	\$229,866	\$276,739	\$276,739	\$276,739	\$276,739
1002 OTHER PERSONNEL COSTS	3,448	4,143	4,143	4,143	4,143
2003 CONSUMABLE SUPPLIES	1,750	1,500	1,500	1,500	1,500
2005 TRAVEL	3,157	8,500	8,500	8,500	8,500
2006 RENT - BUILDING	1,500	1,275	1,275	1,275	1,275
2007 RENT - MACHINE AND OTHER	2,575	2,166	2,166	2,166	2,166
2009 OTHER OPERATING EXPENSE	8,500	5,675	5,000	5,000	5,000
<b>Total, Objects of Expense</b>	<b>\$250,796</b>	<b>\$299,998</b>	<b>\$299,323</b>	<b>\$299,323</b>	<b>\$299,323</b>
<b>METHOD OF FINANCING:</b>					
1 General Revenue Fund	250,796	299,998	299,323	299,323	299,323
<b>Total, Method of Financing</b>	<b>\$250,796</b>	<b>\$299,998</b>	<b>\$299,323</b>	<b>\$299,323</b>	<b>\$299,323</b>
<b>FULL-TIME-EQUIVALENT POSITIONS (FTE):</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

**DESCRIPTION**

The administrative and support costs in this strategy are related to the percentage of salaries and related operating costs associated with personnel performing administrative functions.

Agency code: **225**

Agency name: **Fifth Court of Appeals District, Dallas**

		<b>Exp 2013</b>	<b>Est 2014</b>	<b>Bud 2015</b>	<b>BL 2016</b>	<b>BL 2017</b>
<b>GRAND TOTALS</b>						
<b>Objects of Expense</b>						
1001	SALARIES AND WAGES	\$229,866	\$276,739	\$276,739	\$276,739	\$276,739
1002	OTHER PERSONNEL COSTS	\$3,448	\$4,143	\$4,143	\$4,143	\$4,143
2003	CONSUMABLE SUPPLIES	\$1,750	\$1,500	\$1,500	\$1,500	\$1,500
2005	TRAVEL	\$3,157	\$8,500	\$8,500	\$8,500	\$8,500
2006	RENT - BUILDING	\$1,500	\$1,275	\$1,275	\$1,275	\$1,275
2007	RENT - MACHINE AND OTHER	\$2,575	\$2,166	\$2,166	\$2,166	\$2,166
2009	OTHER OPERATING EXPENSE	\$8,500	\$5,675	\$5,000	\$5,000	\$5,000
<b>Total, Objects of Expense</b>		<b>\$250,796</b>	<b>\$299,998</b>	<b>\$299,323</b>	<b>\$299,323</b>	<b>\$299,323</b>
<b>Method of Financing</b>						
1	General Revenue Fund	\$250,796	\$299,998	\$299,323	\$299,323	\$299,323
<b>Total, Method of Financing</b>		<b>\$250,796</b>	<b>\$299,998</b>	<b>\$299,323</b>	<b>\$299,323</b>	<b>\$299,323</b>
<b>Full-Time-Equivalent Positions (FTE)</b>		<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

# 6.I. Percent Biennial Base Reduction Options

## 10 % REDUCTION

84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/4/2014  
Time: 4:42:28PM

Agency code: 225 Agency name: Fifth Court of Appeals District, Dallas

REVENUE LOSS				REDUCTION AMOUNT			TARGET
Item Priority and Name/ Method of Financing	2016	2017	Biennial Total	2016	2017	Biennial Total	
1 Reduce Staff							
Category: Programs - Service Reductions (FTEs-Layoffs)							
Item Comment: A 10% GR-based budget reduction of \$948,512 will require the court to eliminate 7 FTEs. The core function of the Fifth Court of Appeals is to process and review appeals from criminal and civil trial courts in its jurisdiction. This requires a highly-skilled and trained professional workforce, including appellate court lawyers and clerical and administrative staff, who assist the justices in researching, composing, and disposing of legal opinions and orders in appellate cases. Consequently, 95% of the court’s FY16-17 appropriated budget is dedicated to salaries. A 10% reduction would require the court to eliminate 4 staff attorney, 1 legal secretary, and 2 deputy clerk positions. This represents 12.12% of the court’s legal staff, 25% of the court’s administrative staff, and 28.57% of the court’s clerical staff. This would cause the court to fall below the 2:1 lawyer-to-judge ratio and would cause our clearance rate to drop below current standards. Reduced funding and subsequent reduction in staff would also increase the number of cases pending after one year by more than 18%.							
The results that the Fifth Court attained from the Metropolitan Task Force initiative demonstrated that an increased number of legal and support staff provides the key mechanism for maintaining adequate clearance rates. Between FY99 and FY2000 when the task force initiative was underway, the Fifth Court's clearance rate increased by 21% and the court became one of the three most productive appellate courts insofar as dispositions per justice. The similar funding for same-size courts block grant funding has allowed the Fifth Court to maintain the productivity levels seen during the task force initiative. However, if adequate funding is not authorized to allow the court to maintain current staffing levels, the Fifth Court will again see decreased disposition rates and backlog of cases will once again be created.							
Strategy: 1-1-1 Appellate Court Operations							
General Revenue Funds							
1 General Revenue Fund	\$0	\$0	\$0	\$474,256	\$474,256	\$948,512	
General Revenue Funds Total	\$0	\$0	\$0	\$474,256	\$474,256	\$948,512	
Item Total	\$0	\$0	\$0	\$474,256	\$474,256	\$948,512	
FTE Reductions (From FY 2016 and FY 2017 Base Request)				7.0			
AGENCY TOTALS							
General Revenue Total				\$474,256	\$474,256	\$948,512	\$948,512
Agency Grand Total	\$0	\$0	\$0	\$474,256	\$474,256	\$948,512	

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

84th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/4/2014  
Time: 4:42:28PM

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Agency code: 225    Agency name: **Fifth Court of Appeals District, Dallas**

<u>Item Priority and Name/ Method of Financing</u>	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2016	2017	Biennial Total	2016	2017	Biennial Total	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2016 and FY 2017 Base Request)				7.0			

# Organizational Chart

The number on the left is the number of budgeted positions for fiscal year 2014. The number on the right is the number of positions requested in order to retain adequate, quality legal and non-legal staff with salaries that are commensurate with their responsibilities and the salaries paid to like personnel at the other courts of appeals for the 2016-2017 biennium.

